

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE SUNPOWER SECURITIES  
LITIGATION

) Case No. CV 09-5473-RS (JSC)  
) (Consolidated)

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) **[PROPOSED] ORDER GRANTING LEAD  
PLAINTIFFS' MOTION FOR CLASS  
CERTIFICATION**

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3       Lead Plaintiffs Arkansas Teacher Retirement System (“ATRS”), Första-AP Fonden  
4 (“Första”), and Danske Invest Management A/S (“Danske”) (collectively, “Lead Plaintiffs”),  
5 having come before this Court and having moved pursuant to Rule 23(a) and 23(b)(3) of the  
6 Federal Rules of Civil Procedure for an Order certifying a plaintiff class and appointing class  
7 representatives and class counsel, and the Court having duly considered the submissions and  
8 arguments of counsel, the Court hereby ORDERS AS FOLLOWS:

9       1.       The Motion for Class Certification is GRANTED. The Court finds that the Class is  
10 so numerous that joinder of all members is impracticable. The Court further finds that there are  
11 questions of law and fact common to the Class. The Court further finds that the claims by Lead  
12 Plaintiffs are typical of the claims of the Class. The Court further finds that Lead Plaintiffs are  
13 adequate representatives of the Class and will fairly represent the Class. The Court also finds that  
14 common questions of law or fact predominate over any questions affecting only individual Class  
15 members. The Court finds that a class action is superior to other methods for the fair and efficient  
16 adjudication of the controversy.

17       2.       The Court certifies the following Class: All persons who purchased or otherwise  
18 acquired SunPower Corporation (“SunPower”) publicly-traded securities between April 17, 2008,  
19 and November 16, 2009, inclusive, who were damaged thereby. Excluded from the Class are  
20 Defendants, the officers and directors of SunPower, members of their immediate families and their  
21 legal representatives, heirs, successors or assigns, and any entity in which Defendants have or had  
22 a controlling interest.

23       3.       The Court also hereby appoints ATRS, Första, and Danske as Class  
24 Representatives, and the law firms of Kaplan Fox & Kilsheimer LLP, Bernstein Litowitz Berger &  
25 Grossmann LLP, and Kessler Topaz Meltzer & Check, LLP as Class Counsel.

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1 IT IS SO ORDERED.  
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3 DATED:

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4 HON. RICHARD SEEBORG  
5 UNITED STATES DISTRICT JUDGE  
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7 Submitted by,  
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9 DATED: September 28, 2012  
10 KAPLAN FOX & KILSHEIMER LLP  
11  
12 /s/ Laurence D. King  
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